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ATTORNEYS FOR DEFENDANTS AND COUNTERCLAIMANTS

ADVANCED SEMICONDUCTOR ENGINEERING, INC. AND ASE (U.S.), INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

ADVANCED SEMICONDUCTOR
ENGINEERING, INC., ASE TEST LIMITED,
and ASE (U.S.) INC.,

Plaintiffs,

vs.

TESSERA, INC.,

Defendant.

TESSERA, INC.,

Counterclaimant,

vs.

ADVANCED SEMICONDUCTOR
ENGINEERING, INC., ASE TEST LIMITED,
and ASE (U.S.) INC.,

Counterclaim Defendants.

Case No 4:08-CV-03726-CW

**JOINT STIPULATION AND ORDER
CHANGING THE DATE OF UPCOMING
CASE MANAGEMENT CONFERENCE
AND RELATED DATES**

1. WHEREAS, this Court stayed the case known as *Tessera, Inc. v. Advanced Micro Devices, Inc. et al*, Case No. C 05-04063 (CW) (the “AMD case”) by its order of May 24, 2007 with respect to International Trade Commission Investigation 337-TA-605 “until the determination of the ITC, including appeals becomes final,” and WHEREAS, on August 5, 2008 the Court ordered that the stay of the AMD case “shall be extended until a determination in the International Trade Commission Investigation 337-TA-649, including appeals, becomes final;” and

2. WHEREAS, this Court issued a Related Case Order on September 11, 2008 in the AMD case finding that the three cases known as, *Siliconware Precision Industries Co., Ltd., et al. v. Tessera*, Case No. C 08-03667 RS; *Advanced Semiconductor Engineering Inc., et al. v. Tessera*, Case No. C 08-03726 EMC; and *Chipmos Technologies Inc. et al. v. Tessera, Inc.*, Case No. C 08-03827 CW, were related to the AMD case (these three cases are collectively the “Related Cases”); and

3. WHEREAS the parties in the AMD and Related Cases, by their undersigned counsel, report to the Court that the current status of the pending International Trade Commission Investigation 337-TA-605 is that the Final Determination is under appeal to the Federal Circuit in Case Number 09-1460. The appeal is now fully briefed and was argued on June 9, 2010, but no decision has been issued as of yet, and;

4. WHEREAS the parties in the Related Cases, by their undersigned counsel, report to the Court that the current status of the pending International Trade Commission Investigation 337-TA-649 is that on August 7, 2009, the Commission issued a Notice of Determination Not To Review An Initial Determination Granting Complainant’s Motion to Terminate The Investigation; Termination of Investigation thereby making the termination of the investigation final; and

5. WHEREAS, since a final resolution of ITC’s 337-TA-605 investigation, including appeals, is still pending, the parties in the Related Cases believe that it would be most efficient to further postpone the case management conference and related activity in the AMD case and the Related Cases until approximately June 7, 2011; and


6. WHEREAS, the parties in the Related Cases agree that there would be no prejudice to the parties in moving the case management conference, as that those cases are currently are stayed;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties in the AMD case and in the Related Cases, through their undersigned respective attorneys of record, based on the foregoing, and subject to the approval of this Court, that:

The case management conference currently scheduled for December 14, 2010 at 2:00 p.m. in the AMD case and the Related Cases shall be rescheduled for **June 7, 2011** at **2:00** p.m., or as soon thereafter as the Court is available;

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated this **7th** day of **December**, 2010.


Honorable Claudia Wilken
United States District Judge

Submitted by:

Dated: December 6, 2010

/s/

Gina A. Bibby
FOLEY & LARDNER, LLP
Attorney for Plaintiffs ADVANCED
SEMICONDUCTOR ENGINEERING, INC., ASE
TEST LIMITED, and ASE (U.S.) INC.

Dated: December 6, 2010

/s/

Michael Heafey
ORRICK, HERRINGTON & SUTCLIFFE
Attorney for Plaintiffs SILICONWARE PRECISION
INDUSTRIES CO., LTD. and SILICONWARE
U.S.A.

Dated: December 6, 2010

/s/

Joseph Lanser
SEYFARTH SHAW LLP
Attorney for Plaintiffs CHIPMOS TECHNOLOGIES
INC., CHIPMOS TECHNOLOGIES (BERMUDA)
LTD. and CHIPMOS U.S.A., INC.

Dated: December 6, 2010

/s/

Michael B. Smith
GIBSON, DUNN & CRUTCHER LLP
Attorney for Defendant TESSERA, INC.

Concurrence in the filing of this document has been obtained from the signatories listed above.

Dated: December 6, 2010

FOLEY & LARDNER LLP

/s/

Gina A. Bibby
Attorneys for Defendants and Counterclaimants
ADVANCED SEMICONDUCTOR
ENGINEERING, INC., ASE TEST LIMITED, and
ASE (U.S.) INC.